

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

IN RE:

MARY ANN WHITE xxx-xx-3797

CASE NUMBER 11-10170

9655 RIGGS ST  
BEAUMONT, TX 77707  
DEBTOR(S)

CHAPTER 13 TRUSTEE'S MOTION TO RECONSIDER THE ALLOWANCE OF PROOF  
OF CLAIM, MODIFY DEBTOR(S)' CONFIRMED PLAN (TO THE EXTENT APPLICABLE)  
AND CERTIFICATE OF SERVICE

**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS AN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-EIGHT (28) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

To the Honorable Judge of Said Court:

John J. Talton, Chapter 13 Trustee, hereby moves the Court to reconsider the allowance of the claim of the creditor listed herein below pursuant to the provisions of 11 U.S.C. § 502(j) and Bankruptcy Rule 3008 and, to the extent applicable, modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329 and LBR 3015(h) on the following ground(s) and/or reason(s):

( ) The creditor, its agent(s) or representative(s), and/or the Debtor(s) have notified the Trustee that the claim in question has now been paid in full.

( ) The creditor, its agent(s) or representative(s), and/or the Debtor(s) have notified the Trustee that the automatic stay has lifted and that the creditor, its agents, or representative(s) no longer desires to receive disbursements from the Trustee pursuant to the terms of the Debtor(s)' confirmed plan.

( x ) Other: Received correspondence from creditor stating "Unable to locate account with information provided from your office".

True and correct copies of the following are attached hereto and are incorporated herein by reference: the Proof of Claim (without attachments) is attached hereto as Exhibit "A" and the notification to the Trustee is attached hereto as Exhibit "B".

The only affected creditor is the one named herein and no other creditors need be notified.

The identity of the Creditor and the identity of the claim currently being paid through the terms of the confirmed plan are as follows:

Creditor  
CitiMortgage, Inc.  
P O Box 829009  
Dallas, TX 75382

Court Claim No.  
5-1

TrusteeClaimNo  
3

**The Trustee requests that the terms of the confirmed plan be modified to provide no further payments to the Creditor other than the payments of principal and interest, if any, heretofore paid by the Trustee to said Creditor.** All remaining terms of the last Confirmation Order herein entered as modified, if applicable, by the approved Trustee's Recommendation Concerning Claims, orders on objections to claims orders, and/or other Court orders are not otherwise changed by this Motion.

Respectfully submitted,

/s/ John J. Talton

John J. Talton, SBN 19629700 Chapter 13 Trustee  
Lloyd T. Kraus, SBN 24066773 Staff Attorney  
110 N. College Avenue, Ste 1200  
Tyler, TX 75702

CERTIFICATE OF SERVICE

I, the undersigned, certify under penalty of perjury that on this date a copy of this notice has been served upon all parties in interest at the addresses listed on the mailing list attached hereto, by mailing a copy of same to them via first class mail or by electronic means on 1/12/12.

David Packard  
1240 Orleans  
Beaumont, TX 77701

Mary Ann White  
9655 Riggs St.  
Beaumont, TX 77707

Linebarger et al  
1148 Park Street  
Beaumont, TX 77701-3614

McCreary et al  
P O Box 1269  
Round Rock, TX 78680

CitiMortgage  
P O Box 829009  
Dallas, TX 75382

CitiFinancial  
605 Munn Road, First Floor  
Fort Mill, SC 29715

/s/John J. Talton  
John J. Talton